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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,055	08/21/2001	Stephen P. Shoemaker JR.	SHOES-61460	7762

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EXAMINER

KOYAMA, KUMIKO C

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 08/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/935,055	Applicant(s) SHOEMAKER, STEPHEN P.	
	Examiner Kumiko C. Koyama	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the mailing or post office address of each inventor. A mailing or post office address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing or post office address should include the ZIP Code designation. The mailing or post office address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

It does not identify the citizenship of each inventor.

It does not identify the city and either state or foreign country of residence of each inventor. The residence information may be provided on either on an application data sheet or supplemental oath or declaration.

2. The declaration is objected to because of the following:

The application serial number of which priority is claimed in the declaration is not identical to the one stated in the specifications.

Appropriate correction is required.

Specification

3. The abstract of the disclosure is objected to because it includes phrases such as "provided" and "providing." The examiner requests the applicant to replace "providing" with --including--. Correction is required. See MPEP § 608.01(b).

Claim Objections

4. Claim 3 is objected to because of the following informalities:

Re claim 3: "the signal" should be changed to --a signal--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Pierce (US 5,684,286).

Re claim 1: Pierce discloses a reader for machine reading a symbol printed on a form 15, where the form 15 is at least partially translucent to incident radiation (col 2 lines 1-3), having an optical image detector 11 comprising a light source 21 and a light sensing array 23 spaced apart a sufficient distance for a form 15 to be passed between them (col 3 lines 39-41). Pierce also discloses that the reader provides relative motion between the form and the detector by having the sensor sample the signal as the form 15 is passed through the sensor and the light source (col 2 lines 24-29). The reader also detects the pattern and translucent portions (col 4 lines 17-22, lines 29-37)

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Re claim 3: Pierce discloses a reader comprising a housing 31 (col 3 line 52), a transport device couple of the housing capable of guiding at least one form into the housing and the forms are printed with a pattern (col 2 lines 24-29), a light source positioned on a first side of the form (col 3 lines 39-41), a detector positioned on a second side of the form (col 3 lines 39-41) and a signal analyzer coupled to the detector to analyze the signal provided by the detector (col 3 lines 31-32).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pierce in view of Sato (US 4,073,234). The teachings of Pierce have been discussed above.

Re claim 2: Pierce fails to teach that the reader increments a running total of the tickets counted, a running total of verified tickets and a running total of non-verified tickets.

Sato discloses a machine 1 for printing bar codes on a label strip, which includes ticket strips, and the machine has a counter 33 for indicating the number of labels printed (col 3 lines 56-58).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify and have a counter for total tickets, verified tickets, and non-

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verified tickets to the teachings of Pierce in order to quickly obtain the number tickets printed or sold at a certain location, such as a movie theater, to determine the profit.

Re claim 6: Pierce fails to teach that the reader comprises a ticket chopper.

Sato discloses a bar code printing machine comprising a cutting device 120 for cutting a printed label strip 5' from the blank strip 5 at a desired point (col 4 lines 37-38).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Sato to the teachings of Pierce in order to make the system less expensive and without any waste of paper by utilizing only the amount necessary to print information and barcode.

Re claim 7: Pierce fails to teach that the reader comprises a ticket count display.

Sato discloses a bar code printing machine comprising a ticket count display 32.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Sato to the teachings of Pierce in order to quickly locate the number tickets printed or sold at a certain location, such as a movie theater, to determine the profit.

9. Claim 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pierce in view of Sato and further in view of Berger (US 6,360,001).

Re claim 4: Pierce teaches that the apparatus analyzes the code (col 6 lines 31-32).

However Pierce fails to teach that the controller counts.

Sato teaches that a controlling section 3 counts the number of labels (col 3 lines 55-58).

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Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the teachings of Pierce and add a controller that counts so that the user can easily obtain the number of forms utilized in the apparatus.

Pierce as modified by Sato teaches that the controller counts (Sato col 3 lines 55-58) and analyzes the code (Pierce col 6 lines 31-32).

However, Pierce as modified by Sato fails to teach that the signal analyzer determines barcode similarity relative to a location code.

Berger teaches that a barcode is used to locate the destination address of a parcel (col 2 lines 25-31).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate a method for determining barcode similarity relative to a location code to the teachings of Pierce as modified by Sato in order to easily locate the form in such places like libraries, warehouse, etc.

Re claim 5: Pierce as modified by Sato fails to teach that the controller comprises a digital processor, a data memory and a program instruction.

Berger teaches a system that comprises a digital processor (col 6 line 1-2), a data memory (col 2 line 31), and a programmable elements and/or software (col 6 line 3).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Berger and have a controller comprising a digital processor, a data memory and a program instruction in order to provide and determine an identify for the form in a barcode format and therefore, making each form unique and easy to process.

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10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pierce in view of Bertalan et al (US 6,155,731). The teachings of Pierce have been discussed above.

Pierce fails to teach that the reader comprises a receipt printer.

However, Bertalan teaches a barcode printer, which also has the capability of printing receipts (col 1 lines 16-20).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modified the teachings of Bertalan to the teachings of Pierce in order for the system to be utilized in a faster manner when used in locations that require both receipt and barcode printers, such as supermarkets and movie theaters.

11. Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pierce in view of Sato and further in view of Kuze (US 4,177,377).

Re claim 9: Pierce discloses a method of obtaining translucent forms (col 4 lines 15-20), printing an opaque pattern on one side of each individual translucent forms, such that there is an alternating pattern of translucent and opaque portions (col 4 lines 46-49 and lines 55-57). Pierce discloses that the opaque portions are dark (col 4 lines 65).

Pierce fails to teach a method of utilizing plurality of tickets and feeding the plurality of translucent tickets into a ticket printing machine.

However, Sato discloses a ticket strip advancing device 113 for moving the ticket strip 5 over one ticket length at each printing operation (col 1 lines 6-8). As shown on Fig. 13, ticket strip 5 comprises plurality of single tickets.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Sato to the teachings of Pierce in order to provide a faster system for processing a large amount of tickets.

Pierce as modified by Sato fails to teach that the opaque pattern is covered with non-opaque ink.

Kuze discloses a sheet bearing lines printed with non-opaque ink.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Kuze to the teachings of Pierce as modified by Sato and cover the opaque portion with dark colored non-opaque ink in order to catch and prevent counterfeit tickets.

12. Claims 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pierce as modified by Sato further modified by Kuze as applied to claim 9 above, and further in view of Noy et al (US 5,730,533). The teachings of Pierce/Sato/Kuze have been discussed above.

Pierce/Sato/Kuze teaches a method for printing the opaque pattern on a translucent ticket and the opaque pattern is covered with dark colored non-opaque ink (see claim 9).

Pierce/Sato/Kuze fails to teach that the pattern is printed on both sides and both sides of the opaque patterns are covered with the dark colored non-opaque ink.

However, Noy teaches a method for printing a barcode on both sides of a paper (col 1 lines 13-17, Fig 1).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ the teachings of Noy to the teachings of Pierce as modified by Sato because it would speed up the process by reading the code from either side of the paper.

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Moreover, such modification would have been a mere duplication of elements, that is, to print patterns on both sides of the medium as taught by Pierce/Sato/Kuze and therefore an obvious expedient.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dueker, U.S. Patent No. 6,155,491, discloses an apparatus for processing a lottery game ticket.

Robertson, U.S. Patent No. 5,855,969, discloses a method for marking metal or other products for its identification.

Shafer et al., U.S. Patent No. 5,448,049, discloses a latent image bar code reader for reading bar code data imprinted on the edge of a filmstrip.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kumiko C. Koyama whose telephone number is 703-305-5425. The examiner can normally be reached on Monday-Friday 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

kck
August 23, 2002



MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
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